

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: SUFFOLK UNIVERSITY COVID
REFUND LITIGATION

Master File No.: 1:20-cv-10985-WGY

THIS DOCUMENT RELATES TO:
ALL ACTIONS

PLAINTIFFS' MOTION TO REINSTATE ADMINISTRATIVELY CLOSED CASE

The Plaintiffs, Julia Durbeck and Anna Francesca Foti ("Plaintiffs"), pursuant to this Honorable Court's November 21, 2022 Order, hereby move this Court to reinstate this administratively closed case. In support of this Motion, Plaintiffs state the following:

1. Plaintiffs filed this class action complaint on May 21, 2020. Dkt. 1. Plaintiffs alleged in their Complaint a breach of contract as to tuition and fees, and unjust enrichment as to tuition and fees. Plaintiffs sought the return of the paid tuition and fees arising from the decision to transition Suffolk from in-person on-campus instruction to remote instruction due to the COVID-19 pandemic.
2. On October 11, 2022, this Court denied Plaintiffs' motion for class certification. Dkt. 155 at 13.
3. On October 12, 2022, Suffolk moved to dismiss for lack of jurisdiction. Dkt. 156.
4. The Court denied this motion on November 3, 2022. Dkt. 162.
5. On October 25, 2022, Plaintiffs filed their Petition for Permission to Appeal Pursuant to Federal Rule of Civil Procedure ("FRCP") 23(f).
6. On November 4, 2022, Defendant timely filed its response brief.

7. On February 17, 2023, the Court granted Plaintiffs' motion for leave to file a reply and denied Plaintiffs' petition for leave to appeal.

8. The basis for the administrative closing of this case has ended. The case should, therefore, be returned to the active docket.

WHEREFORE, the Plaintiffs respectfully request that the Court reinstate this case.

Dated: January 31, 2024

Respectfully submitted,

/s/Blake G. Abbott

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Counsel for Plaintiffs

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

I hereby certify that I have conferred with counsel for the Defendant and have attempted in good faith to resolve or narrow the issues presented by this motion. Defendant does not oppose this motion.

Date: January 31, 2024

/s/Blake G. Abbott

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 31, 2024.

/s/Blake G. Abbott